

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13871 of 2004

Between:

Sandalagiri Srinivas, s/o Hanmandlu,
r/o H.No.2-49, Sirpur Village, Mallapur Mandal, Karimnagar District, A.P.,

..... PETITIONER

AND

The Regional Passport Officer, Regional Passport Office,
Near Clock Tower, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus, declaring the action of the respondent in not rectifying petitioner date of birth as 5-5-1982 as per the certificate issued by the Secretary Board of Education, A.P.,Hyderabad instead of 5-5-1979 issued in petitioner passport bearing No.E.0351251 by the respondent and consequently direct the respondent to rectify the petitioner date of birth as 5-5-1982 in passport bearing No.E.0351251 instead of 5-5-1979 in the interest of justice.

Counsel for the Petitioner:MR.PETTEMRAJIAH

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No. 13871 of 2004

ORDER:

The petitioner obtained a passport bearing No.E.0351251 from the office of the respondent herein. His date of birth is recorded in the passport as 5.5.1979. He approached the respondent on 21.6.2004 requesting to rectify the date of birth in the passport as 5.5.1982. He placed reliance on the certificate of Board of Secondary Education in which his date of birth is recorded as 5.5.1982. As respondent did not take any action, he approached this Court seeking a direction to the respondent to rectify the date of birth based on the S.S.C. certificate of the petitioner.

The Circular dated 18-4-2001 relied on was issued pursuant to a judgment of the High Court of Judicature at Bombay in Civil Writ Petition No.1072 of 2000. The clarifications/instructions issued are as under.

- a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section

21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

- c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

The petitioner placed before this Court the S.S.C. certificate bearing No.PC/34/0213971/9 in which, his date of birth is recorded as 5.5.1982. Therefore, his case squarely falls in Clause 'a' of Central Government Circular as above.

Therefore, this writ petition is disposed of at the admission stage directing the respondent to consider the application of the petitioner made through his lawyer on 21.6.2004 and correct the date of birth duly considering the Secondary School Certificate referred to hereinabove. This exercise may be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

6st August 2004 (V.V.S.RAO, J.)

Tsr.

To

1. The Regional Passport Officer, Regional Passport Office,
Near Clock Tower, Secunderabad.
- 2 Two CD copies.